

REMARKS

Claims 1-32 are pending and claims 1 and 2 are in independent form. Claims 1-32 have been rejected and claims 23 and 28 have been objected to. Claims 1, 2, 23, and 28 have been amended and claim 33 is new. No new matter has been added.

Claim Objections:

Claims 23 and 28 have been objected to for containing informalities. Applicant has amended claims 23 and 28 to overcome the objections.

Claim Rejections:

Claims 1-3, 6-9, 17-22 and 32 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,131,554 (“Kuo”). Independent claims 1 and 2 have been amended to recite that “at least a portion of the center panel is exposed when the filler material is covering the groove.” Kuo does not teach a filler material covering the groove where at least a portion of the center panel is exposed when the filler material is covering the groove. In fact, Kuo teaches a dust cover that encloses the entire top portion of the sealing cap. (See Kuo at Fig. 2 and Col. 2, lines 25-30).

Claims 1-4, 6-12, 17-25, and 32 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,996,832 (“Nieuwoudt”). Similar to Kuo, Nieuwoudt teaches a cover that encloses the entire top portion of the top end of the can. Therefore, like Kuo, Nieuwoudt does not teach a filler material covering the groove where at least a portion of the center panel is exposed when the filler material is covering the groove.

Applicant respectfully submits that claims 1 and 2 are in condition for allowance. Because claims 3-32 ultimately depend from one of claims 1 or 2, Applicant submits that claims 3-32 are also in condition for allowance.

Applicant has added new claim 33. Claim 33 states that a filler material covers the recess and smoothly merges with the upper surface of the center panel, where at least a portion of the center panel is exposed when the filler material is covering the recess. Neither Kuo nor Nieuwoudt teaches such a limitation. Applicant respectfully submits that claim 33 is in condition for allowance.

DOCKET NO.: CC-3643
Application No.: 10/813,781
Office Action Dated: March 27, 2007

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Double Patenting:

The claim has been rejected based on obviousness-type double patenting. In accordance with the Examiner's suggestion, Applicant submits a terminal disclaimer to overcome the double patenting rejection.

Conclusion:

Applicant submits that the application is in condition for allowance. Accordingly, a Notice of Allowance for claims 1-33 is respectfully requested. If, for any reason, the Examiner does not agree that the application is in condition for allowance, the Examiner is encouraged to contact the undersigned by telephone in order to resolve any remaining issues.

Date: June 27, 2007

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